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STATE OF WASHINGTON
GAMBLING COMMISSION
COMM & LEGAL DIVISION

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GAMBLING COMMISSION
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In the Matter of the Suspension)
the License to Conduct Gambling Activities of:)
Dale's Tavern,)
Licensee.)
_____)

NO. CR 2009-00262

SETTLEMENT ORDER

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OAH - Olympia

This Settlement Order is entered into between the Washington State Gambling Commission and Dale's Tavern. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. The licensee is represented by its owner, Brent MacDonald.

I.

Dale's Tavern, 138 E. Woodin Ave, Chelan, organization number 00-20610, has been issued the following license by the Washington State Gambling Commission:

Number 05-20246, Authorizing Class "A" Punchboard/Pull-Tab Activity.

This license, which expires on December 31, 2009, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

II.

In the above-entitled case, the Director issued a Notice of Administrative Charges on March 2, 2009, seeking the suspension of Dale's Tavern's gambling license. The following is a summary of the facts alleged and the violations charged in the Notice of Administrative Charges:

The licensee failed to timely submit its punchboard/pull-tab activity report for the third and fourth quarters of 2009, within 30 days following the end of the reporting period. The activity report was due January 30, 2009. However, the activity report was not received until February 19, 2009. This conduct violated WAC 230-14-284(2).

It is also a violation of the May 2008 Settlement Order, and constitutes grounds to impose the three-day deferred suspension pursuant to that Settlement Order.

RCW 9.46.075(1) Suspending a license or permit

The Commission may suspend any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

The following subsection(s) apply:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Suspending a license or permit

We may suspend any license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

The following subsection(s) apply:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (7) Fails to provide us with any information required under Commission rules within the time required.

WAC 230-14-284 Activity for punchboard and pull-tab licensees

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must:

The following subsection(s) apply:

- (1) Cover the periods:
 - (a) January 1 through June 30; and
 - (b) July 1 through December 31; and
- (2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

III.

The licensee requested a hearing on March 26, 2009. The licensee waives its right to a hearing and the parties agree to settle this matter under the following terms:

1) The licensee's gambling license is hereby suspended for a period of forty-two (42) days. Additionally, the licensee will serve three (3) days of the previously deferred suspension from the Settlement Order dated May 2008. **Therefore, the licensee will serve a forty-five (45) day suspension period.**

2) **The suspension period will begin at 8:00 a.m. on Friday, April 10, 2009, and shall run through Sunday, May 24, 2009.** During this period of suspension, no punchboard/pull-tab activities shall take place at the licensed premises. **The licensee may resume its gambling activities at 8:00 a.m. on Monday, May 25, 2009.**

3) The licensee agrees to submit all subsequent activity reports no later than 30 days following the end of the reporting period. Failure to do so may result in the filing of administrative charges for the revocation of Dale's Tavern's license to conduct gambling activities.

4) The signed Settlement Order must be received by Commission staff on or before April 9, 2009. It may be mailed to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division - Fines
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4555 7th Avenue SE; Third Floor Reception
Attention: Communications and Legal Division
Lacey, Washington

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COMM & LEGAL DIVISION


DATED this 6th day of April, 2009.


Administrative Law Judge


APPROVED FOR ENTRY:

By the signature below, the licensee acknowledges reading the Settlement Order, and understands the terms and conditions.

 04-09-09
Brent MacDonald, President (DATE)
Dale's Tavern


Melinda Froud, WSBA#26792
Staff Attorney,
Washington State Gambling Commission

ACCEPTED AS TO FORM:


H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission